THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27363 of 2003

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the impugned notification issued by the third respondent vide Letter No.2/310/2003 dated 23.12.2003 as arbitrary, illegal and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India.

It appears, the petitioner was the fair price shop dealer of Balsurgonda village, Ganded mandal, Ranga Reddy district. While so, his authorisation was cancelled by the third respondent vide proceedings dated 5.10.2002. Aggrieved by the same, petitioner carried the matter in appeal before the second respondent. The second respondent vide proceedings dated 31.1.2003 dismissed the appeal confirming the order passed by the third respondent. Aggrieved by the same, petitioner further carried the matter in revision before the first respondent. The first respondent, however, after detailed consideration of the matter, vide proceedings dated 31.7.2003 remanded the matter to the third respondent for re-enquiry and fresh consideration. While the matter was under consideration before the third respondent as per the directions of the first respondent, the third respondent seems to have issued the impugned notification dated 23.12.2003 calling for applications for filling up the fair price shop vacancy against Balasurgonda village, Ganded mandal, Ranga Reddy district. Aggrieved by the same, the present writ petition is filed.

According to the learned counsel for petitioner, in pursuance of the remand order passed by the first respondent dated 31.7.2003, the third respondent neither conducted any fresh enquiry into the matter nor passed any final orders and without doing so, the present notification has been issued for filling up the vacancy. He further contends that if any third party is appointed without causing fresh

enquiry as per the directions of the first respondent, it would prejudice the interest of the petitioner.

In view of the above, without expressing any opinion on merits, the third respondent is directed to conduct re-enquiry into the matter and dispose of the same as directed by the first respondent vide proceedings dated 31.7.2003 as expeditiously as possible, if not already the said proceedings are concluded. Till such time, the impugned notification shall not be given effect to.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 23.10.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27363 of 2003

23.10.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27363 of 2003

Date: 23rd October, 2006

Between:

M.Gopal Reddy

.. Petitioner

And

The District Collector,
Ranga Reddy district & others.

.. Respondents